

1                   UNITED STATES DISTRICT COURT  
2                   WESTERN DISTRICT OF TEXAS  
3                   AUSTIN DIVISION

4       LEILA GREEN LITTLE, ET AL) Docket No. A 22-CA-424 RP  
5       vs.    )  
6       LLANO COUNTY, ET AL    ) Austin, Texas  
7    )  
8    ) May 19, 2022

9  
10    TRANSCRIPT OF TELEPHONE CONFERENCE  
11    BEFORE THE HONORABLE ROBERT L. PITMAN

12  
13    APPEARANCES:

14       For the Plaintiff:    Ms. Ellen V. Leonida  
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17    San Francisco, California 94104

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19    Wittliff Cutter, PLLC  
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22       For the Defendant:    Mr. Dwain K. Rogers, Jr.  
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35       Proceedings reported by computerized stenography,  
36    transcript produced by computer-aided transcription.

09:01:01 1 THE COURT: This is Judge Pitman. Thank you all  
09:01:04 2 for joining me for this phone conference this morning.

09:01:05 3 The main purpose of the call is that I wanted to get  
09:01:07 4 everybody together to talk about scheduling in the case.

09:01:10 5 I did see that yesterday, there was an agreed  
09:01:14 6 motion for extension of time for responsive pleading and  
09:01:19 7 -- but I did want to go ahead and see whether or not you  
09:01:22 8 have had an opportunity to have any discussions about sort  
09:01:27 9 of what the timing going forward would be.

09:01:31 10 But first, Ms. Leonida, or, Mr. Rogers, any  
09:01:35 11 discussion about sort of timing in terms of -- especially  
09:01:38 12 in terms of discovery and setting a hearing?

09:01:43 13 MS. LEONIDA: Your Honor, this is Ellen Leonida.

09:01:45 14 We did have a chance to speak with county counsel  
09:01:47 15 yesterday, and what we've agreed to if it works for the  
09:01:50 16 Court, the county expects to have outside counsel by May  
09:01:53 17 27th. So we had conveyed -- they're agreeing that they  
09:01:58 18 can by June 1st either oppose our motion for expedited  
09:02:01 19 discovery or produce the discovery. And they have agreed  
09:02:04 20 in the interim to gather all of the discovery so that if  
09:02:07 21 they decide to produce, it will be ready immediately and  
09:02:11 22 if not, if the Court orders production; then it will be  
09:02:14 23 ready to go immediately at that point.

09:02:17 24 THE COURT: Right. Mr. Rogers, does that sound  
09:02:20 25 right?

09:02:21 1 MR. ROGERS: That is exactly our agreement, your  
09:02:23 2 Honor.

09:02:23 3 THE COURT: Okay. Great.

09:02:24 4 And then, have you had any thought at this point  
09:02:27 5 as to ballpark when you would want to have this heard?

09:02:32 6 I'm asking because the summer is getting kind of busy, and  
09:02:35 7 we probably sooner than later would need to identify at  
09:02:40 8 least a potential date to block in which to get this  
09:02:42 9 injunction heard.

09:02:43 10 Any thoughts about that, Ms. Leonida?

09:02:46 11 MS. LEONIDA: Your Honor, we'd like to get a date  
09:02:53 12 as soon as possible. And especially if the calendar is  
09:02:55 13 filling up, we'd like to lock one in today.

09:02:59 14 THE COURT: Okay. Mr. Rogers, do you have any  
09:03:02 15 thought about sort of what --

09:03:06 16 MR. ROGERS: I mean, our preference would be, of  
09:03:08 17 course, to, you know, be able to retain outside counsel  
09:03:12 18 and speak to them about that. I understand the Court is  
09:03:15 19 wanting to set a date. I suppose maybe we could  
09:03:21 20 tentatively agree to a date maybe a little farther out  
09:03:25 21 than plaintiff's counsel would prefer, and then, that  
09:03:27 22 would give us time to get outside counsel on board to give  
09:03:31 23 them appropriate time to prepare a response and get ready  
09:03:35 24 for a hearing injunction.

09:03:36 25 THE COURT: Sure.

09:03:37 1 Ms. Leonida, what would your ideal date be, given  
09:03:40 2 the fact that maybe you're looking at discovery around the  
09:03:44 3 1st of June? Do you have an idea how long it would take  
09:03:48 4 for you to sort of process that and be ready for a  
09:03:51 5 hearing?

09:03:54 6 MS. LEONIDA: Well, if we get the discovery, if  
09:03:57 7 it's actually produced on the 1st of June, I'm hopeful  
09:03:59 8 that we can have the hearing by the end of June. I don't  
09:04:03 9 know if that would be enough time for outside counsel, but  
09:04:07 10 I think that it should be. The issues are pretty simple.

09:04:11 11 THE COURT: My problem is that the second half of  
09:04:15 12 June is not available up to July 4th. And so, we would  
09:04:20 13 either have to do it the week of the 13th, if we could,  
09:04:26 14 which it looks like we probably could, or then, failing  
09:04:33 15 that, then it would be the week of July 4th or the 5th, or  
09:04:36 16 later.

09:04:40 17 MR. ROGERS: Assuming outside counsel's on board,  
09:04:42 18 your Honor, this may not be hugely relevant, but I am  
09:04:45 19 scheduled to begin a jury trial on the 13th that will last  
09:04:49 20 a week. And again, my presence may not be essential by  
09:04:52 21 that date but, you know.

09:04:53 22 THE COURT: Sure. No. That's always good to  
09:04:55 23 know for planning and that might be a little ambitious in  
09:04:58 24 any event. So I would say that would be safer to set it  
09:05:06 25 sometime the week of July the 5th.

09:05:08 1 Ms. Leonida, does that work for you? I know it's  
09:05:12 2 a little beyond what you were hoping for, but not too  
09:05:14 3 much.

09:05:15 4 MS. LEONIDA: That's fine with us, your Honor.  
09:05:17 5 And I'm available any day that week.

09:05:19 6 THE COURT: Okay. Great. Let me take a second  
09:05:23 7 to look at my calendar and get back to you. Okay.

09:05:45 8 Looking at the calendar, actually, I could fit  
09:05:48 9 you in 9:00 on July the 7th. Thursday, July the 7th.

09:05:55 10 Ms. Leonida, does that work for you?

09:05:58 11 MS. LEONIDA: That does, your Honor.

09:05:59 12 THE COURT: Okay. And, Mr. Rogers, I know you're  
09:06:02 13 speaking for an unidentified counsel right now, but I  
09:06:07 14 think that gives us plenty of time for counsel for --

09:06:12 15 MR. ROGERS: I agree.

09:06:13 16 THE COURT: Okay. Super.

09:06:14 17 Well, let's say July 7th, 9:00 a.m., and if you  
09:06:20 18 have any difficulty coming to an agreement with regard to  
09:06:23 19 any discovery issues, just let me know as soon as you know  
09:06:26 20 that so that I can get that done and taken care of sooner  
09:06:32 21 than later so that that doesn't -- that doesn't affect the  
09:06:36 22 dates that we'll -- that we've identified for the hearing.

09:06:40 23 So with that, Ms. Leonida, anything else from  
09:06:43 24 your side?

09:06:45 25 MS. LEONIDA: Nothing else from us. Thank you,

09:06:47 1 your Honor.

09:06:47 2 THE COURT: Okay. Mr. Rogers?

09:06:49 3 MR. ROGERS: Nothing, your Honor. Thank you.

09:06:50 4 THE COURT: Very good. Well, thank you all so  
09:06:52 5 much for calling in and I look forward to seeing you on  
09:06:54 6 the 7th.

09:07:00 7 MR. ROGERS: All right. Thank you, your Honor.

09:07:01 8 May we be excused?

09:07:02 9 THE COURT: Have a great day.

10 (Proceedings concluded.)

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3 UNITED STATES DISTRICT COURT )

4 WESTERN DISTRICT OF TEXAS )

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6       I, LILY I. REZNIK, Certified Realtime Reporter,  
7 Registered Merit Reporter, in my capacity as Official  
8 Court Reporter of the United States District Court,  
9 Western District of Texas, do certify that the foregoing  
10 is a correct transcript from the record of proceedings in  
11 the above-entitled matter.

12      I certify that the transcript fees and format comply  
13 with those prescribed by the Court and Judicial Conference  
14 of the United States.

15      WITNESS MY OFFICIAL HAND this the 6th day of June,  
16 2022.

17                                 *Lily Iva Reznik*

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19                                 ~~~~~  
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